

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

STEVEN A. MARTIN,

Plaintiff,

No. CIV S-03-0466 FCD JFM P

vs.

CHERYL K. PLILER, et al.,

Defendants.

ORDER AND

REVISED SCHEDULING ORDER

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Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On June 28, 2005, plaintiff filed a request for an extension of time to conduct discovery in this action.<sup>1</sup> On July 18, 2005, defendant Hamad, the only defendant in this action, filed a statement of non-opposition to the motion. Defendant requests an extension of the time for filing dispositive motions in the event plaintiff's request is granted.

It appears that plaintiff seeks this extension of time in order to move to compel further responses to some or all of the discovery requests that he has served on defendant in this action. After review of the record herein, and good cause appearing, pursuant to Federal Rule of Civil Procedure 16(b), the court will, by this order, grant an additional period of thirty days

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<sup>1</sup> Plaintiff sought an extension of thirty days pending resolution of his previously filed motion for appointment of counsel. That motion was denied on July 8, 2005.

1 during which time either party may file motions to compel further discovery responses. The  
2 deadline for filing dispositive motions will be extended accordingly. The time for serving new  
3 discovery requests will not be extended, nor will the dates previously set for filing pretrial  
4 statements, for pretrial conference or for jury trial be changed at this time.

5 In accordance with the above, THIS COURT ORDERS AS FOLLOWS:

6 1. Plaintiff's June 28, 2005 request for an extension of time is granted.

7 2. The parties may file motions to compel discovery responses until September  
8 23, 2005. All motions to compel shall be briefed in accordance with paragraph 7 of this court's  
9 order filed October 22, 2004.

10 3. All pretrial motions, except motions to compel discovery, shall be filed on or  
11 before October 21, 2005. Motions shall be briefed in accordance with paragraph 7 of this court's  
12 order filed October 22, 2004.

13 4. Plaintiff shall file and serve his pretrial statement and any motions necessary to  
14 obtain the attendance of witnesses at trial on or before November 18, 2005.<sup>2</sup> Defendants shall  
15 file their pretrial statement on or before December 2, 2005. The parties are advised that failure to  
16 file a pretrial statement may result in the imposition of sanctions, including dismissal of this  
17 action.

18 5. Pretrial conference (as described in Local Rule 16-282) remains set in this case  
19 for December 9, 2005, before the magistrate judge. The pretrial conference shall be conducted  
20 on the file only, without appearance by either party.

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25 <sup>2</sup> Plaintiff is referred to the scheduling order filed March 2, 2005 with respect to the  
26 requirements for obtaining the attendance of witnesses at trial.

1                   6. This matter remains set for jury trial before the Honorable Frank C. Damrell Jr.  
2 on February 28, 2006, at 9:00 a.m. in Courtroom 2.

3 DATED: August 22, 2005.

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6 UNITED STATES MAGISTRATE JUDGE

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